

(d) *Use of International Atomic Energy Agency (IAEA) regulations for Class 7 (radioactive) materials.* Class 7 (radioactive) materials being imported into or exported from the United States, or passing through the United States in the course of being shipped between places outside the United States, may be offered and accepted for transportation when packaged, marked, labeled, and otherwise prepared for shipment in accordance with IAEA “Regulations for the Safe Transport of Radioactive Material,” Safety Series No. 6 or TS-R-1 (incorporated by reference, see § 171.7), if—

(1) Highway route controlled quantities (see § 173.403 of this subchapter) are shipped in accordance with §§ 172.203(d)(4), 172.507 and 173.22(c) of this subchapter;

(2) For fissile materials and Type B packages, the competent authority certification and any necessary revalidation is obtained from the appropriate competent authorities as specified in §§ 173.471, 173.472 and 173.473 of this subchapter and all requirements of the certificates and revalidations are met;

(3) Type A package contents are limited in accordance with § 173.431 of this subchapter;

(4) The country of origin for the shipment has adopted the corresponding edition (Safety Series No. 6, 1985 Edition, or TS-R-1, 1996 Edition) of the IAEA “Regulations for the Safe Transport of Radioactive Material”;

(5) The requirements of §§ 173.448(e), 173.448(f), and 173.448(g)(3) of this subchapter are fulfilled, when applicable;

(6) Shipments comply with the requirements for emergency response information prescribed in subpart G of part 172 of this subchapter; and

(7) The definition for “radioactive material” in § 173.403 of this subchapter is applied to radioactive materials transported under the provisions of this section.

(e) *Shipments to or from Mexico.* Unless otherwise excepted, hazardous materials shipments from Mexico to the United States or from the United States to Mexico must conform to all applicable requirements of this subchapter. When a hazardous material that is a material poisonous by inhalation (see § 171.8) is transported by high-

way or rail from Mexico to the United States, or from the United States to Mexico, the following requirements apply:

(1) The shipping description must include the words “Toxic Inhalation Hazard” or “Poison-Inhalation Hazard” or “Inhalation Hazard”, as required in § 172.203(m) of this subchapter.

(2) The material must be packaged in accordance with requirements of this subchapter.

(3) The package must be marked in accordance with § 172.313 of this subchapter.

(4) Except as provided in paragraph (e)(5) of this section, the package must be labeled or placarded POISON GAS or POISON INHALATION HAZARD, as appropriate, in accordance with subparts E and F of this subchapter.

(5) A label or placard that conforms to the UN Recommendations on the Transport of Dangerous Goods specifications for a “Division 2.3” or “Division 6.1” label or placard may be substituted for the POISON GAS or POISON INHALATION HAZARD label or placard required by §§ 172.400(a) and 172.504(e) of this subchapter on a package transported in a closed transport vehicle or freight container. The transport vehicle or freight container must be marked with identification numbers for the material, regardless of the total quantity contained in the transport vehicle or freight container, in the manner specified in § 172.313(c) of this subchapter and placarded as required by subpart F of this subchapter.

[Amdt. 171–111, 55 FR 52472, Dec. 21, 1990]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 171.12, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 171.12a Canadian shipments and packagings.

(a) *Scope and applicability.* This section sets forth provisions for the transportation by rail or highway of shipments of hazardous materials which conform to the regulations of the Government of Canada but which may differ from the requirements of this subchapter with regard to hazard communication, classification or packaging. Except as provided in paragraph

(b)(5)(iv) of this section, the provisions apply only to shipments which originate in Canada and either terminate in the U.S. or transit the U.S. to a Canadian or foreign destination, and to the return to Canada of empty bulk packages containing residues of hazardous materials which originally were imported into the U.S. Reciprocal provisions, applicable to exports from the U.S., appear in the regulations of the Government of Canada.

(b) *Conditions and limitations.* Notwithstanding the requirements of parts 172, 173, and 178 of this subchapter, and subject to the limitations of paragraph (a) of this section, a hazardous material that is classed, marked, labeled, placarded, described on a shipping paper, and packaged in accordance with the Transportation of Dangerous Goods (TDG) Regulations issued by the Government of Canada may be offered for transportation and transported to or through the United States by motor vehicle or rail car. Copies of the TDG Regulations may be obtained from the Canadian Government Publishing Centre, Ottawa, Ontario K1A 0S9; Telephone (819) 956-4800. The following conditions and limitations apply:

(1) A number of materials listed in the TDG Regulations may not be subject to the requirements of this subchapter. The provisions of this subchapter do not apply to materials listed in the TDG Regulations which are not designated as hazardous materials under this subchapter. These materials may, however, be transported in the U.S. when described, marked and labeled in accordance with the TDG Regulations.

(2) A material designated as a hazardous material under this subchapter which is not subject to the requirements of the TDG Regulations may not be transported under the provisions of this section.

(3) A forbidden material or package according to §173.21 of this subchapter or column 3 of the §172.101 table may not be transported under the provisions of this section.

(4) A Class 1 material must be classed and approved under the procedures in subpart C of part 173 of this subchapter, and packages of Class 1 materials must

be marked in accordance with §172.320 of this subchapter.

(5) When a hazardous material, which is a material poisonous by inhalation under the provisions of this subchapter (see §171.8 of this subchapter), is subject to the requirements of the TDG Regulations—

(i) The shipping description must include the words ‘Toxic Inhalation Hazard’ or ‘Poison Inhalation Hazard’ or ‘Inhalation Hazard’, as required in §172.203(m) of this subchapter;

(ii) The material must be packaged in accordance with the requirements of this subchapter;

(iii) The package must be marked in accordance with §172.313 of this subchapter;

(iv) Except as provided in paragraph (b)(5)(v) of this section and for a package containing anhydrous ammonia, the package must be labeled or placarded POISON GAS or POISON INHALATION HAZARD, as appropriate, in accordance with subparts E and F of this subchapter;

(v) A label or placard that conforms to the specifications in the TDG Regulations for a “Class 2.3” or “Class 6.1” label or placard may be substituted for the POISON GAS or POISON INHALATION HAZARD label or placard required by paragraph (b)(5)(iv) of this section on a package transported in a closed transport vehicle or freight container. The transport vehicle or freight container must be marked with identification numbers for the material, regardless of quantity, in the manner specified in §172.313(c) of this subchapter and placarded as required by subpart F of this subchapter. When moving in the United States, the transport vehicle or freight container may also be placarded in accordance with the appropriate TDG regulations in addition to the POISON GAS or POISON INHALATION HAZARD placards required by paragraph (b)(5)(iv) of this section;

(vi) For shipments of anhydrous ammonia, the shipping paper must contain an indication that the markings, labels and placards have been applied in conformance with the TDG Regulations and this paragraph (b)(5).

(6) Required shipping descriptions and package markings must be in

English. Abbreviations may not be used unless specifically authorized by this subchapter. Identification numbers must be preceded by “UN” or “NA”. The use of an identification number preceded by “PIN” is not authorized.

(7) Shipments must conform to the requirements for emergency response information in subpart G of part 172 of this subchapter.

(8) A Class 7 material must conform to the provisions of §171.12(d) of this subchapter;

(9) For a hazardous waste as defined in this subchapter—

(i) The word “Waste” must precede the proper shipping name on shipping papers and packages; and

(ii) The requirements of §172.205 of this subchapter with respect to hazardous waste manifests are applicable;

(10) A hazardous substance as defined in this subchapter must conform to the requirements of §§172.203(c) and 172.324 of this subchapter; and

(11) A poisonous material must conform to the requirements of §172.203(m) of this subchapter.

(12) [Reserved]

(13) When the provisions of this subchapter require that a DOT specification or UN standard packaging must be used for a hazardous material, a packaging authorized by the TDG Regulations may be used only if it corresponds to the DOT specification or UN packaging authorized by this subchapter. Cylinders not manufactured to DOT specifications must conform to the requirements of §173.301(i) and (j) of this subchapter.

(14) Any ammonium nitrate fertilizer or ammonium nitrate mixed fertilizer must not meet the definition and criteria of a Class 1 (explosive) material.

(15) Transportation of marine pollutants, as defined in §171.8 of this subchapter, must conform to the requirements of §§172.203(1) and 172.322 of this subchapter.

(16) Except as provided for limited quantities of compressed gases in containers of not more than 4 fluid ounces capacity under §173.306(a)(1) of this subchapter, aerosols must meet the definition for “Aerosol” in §171.8.

(17) A chemical oxygen generator must be approved in accordance with

the requirements of this subchapter. A chemical oxygen generator and a chemical oxygen generator (spent) must be classed, described and packaged in accordance with the requirements of this subchapter.

(18) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in §173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of §173.128(d) of this subchapter.

[Amdt. 171–111, 55 FR 52473, Dec. 21, 1990, as amended at 56 FR 66160, Dec. 20, 1991; 57 FR 45453, Oct. 1, 1992; Amdt. 171–116, 57 FR 52935, Nov. 5, 1992; Amdt. 171–153, 62 FR 24700, May 6, 1997; 62 FR 30770, June 5, 1997; 64 FR 10753, Mar. 5, 1999; 64 FR 45396, Aug. 19, 1999; 64 FR 50262, Sept. 16, 1999; 64 FR 51720, Sept. 24, 1999; 64 FR 51915, Sept. 27, 1999; 66 FR 33336, June 21, 2001; 66 FR 44255, Aug. 22, 2001]

§ 171.14 Transitional provisions for implementing certain requirements.

General. The purpose of the provisions of this section is to provide an orderly transition to certain new requirements so as to minimize any burdens associated with them.

(a) *Previously filled packages*—(1) *Packages filled prior to October 1, 1991.* Notwithstanding the marking and labeling provisions of subparts D and E, respectively, of part 172, and the packaging provisions of part 173 and subpart B of part 172 of this subchapter, a package may be offered for transportation and transported prior to October 1, 2001, if it—

(i) Conforms to the old requirements of this subchapter in effect on September 30, 1991;

(ii) Was filled with a hazardous material prior to October 1, 1991;

(iii) Is marked “Inhalation Hazard” if appropriate, in accordance with §172.313 of this subchapter or Special Provision 13, as assigned in the §172.101 table; and

(iv) Is not emptied and refilled on or after October 1, 1991.

(2) *Non-bulk packages filled prior to October 1, 1996.* Notwithstanding the packaging provisions of subpart B of part 172 and the packaging provisions of part 173 of this subchapter with respect to UN standard packagings, a non-bulk package other than a cylinder may be